
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2420 Session of
2014

INTRODUCED BY BENNINGHOFF, TURZAI, MAJOR, SAYLOR, STEVENSON, GABLER, AUMENT, BAKER, BLOOM, BOBACK, CLYMER, CORBIN, CUTLER, DELOZIER, DENLINGER, DUNBAR, ELLIS, EMRICK, ENGLISH, EVANKOVICH, EVERETT, FEE, GILLEN, GILLESPIE, GINGRICH, GRELL, GROVE, C. HARRIS, HELM, KAMPF, KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, LAWRENCE, LUCAS, MACKENZIE, MALONEY, MASSER, MENTZER, METCALFE, MILLARD, R. MILLER, MILNE, MUSTIO, OBERLANDER, PICKETT, RAPP, ROAE, ROCK, ROSS, SACCONI, SANKEY, SIMMONS, STEPHENS, STERN, SWANGER, TALLMAN, TAYLOR, TOBASH, TOEPEL, TOPPER, TRUITT, WATSON, MURT, DAY, VEREB, MARSICO, HICKERNELL, HARHART, S. H. SMITH, JAMES, SCHLEGEL CULVER AND SONNEY, JULY 29, 2014

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, AS AMENDED,
OCTOBER 6, 2014

AN ACT

1 Amending the act of February 9, 1999 (P.L.1, No.1), entitled "An
2 act providing for borrowing for capital facilities;
3 conferring powers and duties on various administrative
4 agencies and officers; making appropriations; and making
5 repeals," further providing for appropriation for and
6 limitation on redevelopment assistance capital projects AND <--
7 FOR ADMINISTRATION OF REDEVELOPMENT ASSISTANCE CAPITAL
8 PROJECTS; AND PROVIDING FOR LOBBYING.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 ~~Section 1. Section 317 of the act of February 9, 1999~~ <--
12 ~~(P.L.1, No.1), known as the Capital Facilities Debt Enabling~~
13 ~~Act, amended October 25, 2013 (P.L.648, No.77), is amended to~~
14 ~~read:~~

15 SECTION 1. SECTIONS 317 AND 318 OF THE ACT OF FEBRUARY 9, <--

1 1999 (P.L.1, NO.1), KNOWN AS THE CAPITAL FACILITIES DEBT
2 ENABLING ACT, AMENDED OCTOBER 25, 2013 (P.L.648, NO.77), ARE
3 AMENDED TO READ:

4 Section 317. Appropriation for and limitation on redevelopment
5 assistance capital projects.

6 (a) Appropriation.--The amount necessary to pay principal of
7 and interest on all obligations issued to provide funds for
8 redevelopment assistance capital projects shall be appropriated
9 from the General Fund and shall be transferred to the Capital
10 Debt Fund upon authorization by the Governor.

11 (b) Limitation on redevelopment assistance capital project
12 obligations.--The maximum amount of redevelopment assistance
13 capital projects undertaken by the Commonwealth for which
14 obligations are outstanding shall not exceed, in aggregate,
15 \$3,450,000,000. Beginning July 1, 2018, and each July 1
16 thereafter until the sum of the outstanding obligations for
17 redevelopment assistance capital projects equals \$2,950,000,000,
18 the sum of the maximum amount of outstanding obligations for
19 redevelopment assistance projects shall be decreased by
20 \$50,000,000.

21 (c) Housing units.--An amount not to exceed \$50,000,000 of
22 the amount under subsection (b) may be used for the construction
23 of housing units.

24 SECTION 318. ADMINISTRATION OF REDEVELOPMENT ASSISTANCE CAPITAL <--
25 PROJECTS.

26 (A) LIMITATION.--A REDEVELOPMENT ASSISTANCE CAPITAL PROJECT
27 MAY NOT RECEIVE FUNDS UNLESS THE PROJECT WAS ITEMIZED IN A
28 CAPITAL PROJECT ITEMIZATION BILL OR A CAPITAL BUDGET BILL,
29 ENACTED WITHIN TEN YEARS OF THE DATE THE PROJECT WAS APPROVED
30 UNDER THIS SECTION.

1 (A.1) APPLICATION.--AN APPLICANT SHALL SUBMIT AN APPLICATION
2 TO THE OFFICE CONSISTENT WITH THE TIMELINE ESTABLISHED BY THE
3 OFFICE REQUESTING A GRANT FOR A REDEVELOPMENT ASSISTANCE CAPITAL
4 PROJECT. THE PROPOSAL MUST BE ON THE FORM REQUIRED BY THE OFFICE
5 AND MUST INCLUDE OR DEMONSTRATE ALL OF THE FOLLOWING:

6 (1) THE APPLICANT'S NAME AND ADDRESS.

7 (2) THE LOCATION OF THE PROJECT.

8 (2.1) A REPORT OF EACH CONTRIBUTION TO A PUBLIC
9 OFFICIAL, A CANDIDATE FOR PUBLIC OFFICE OR A POLITICAL
10 COMMITTEE MADE WITHIN THE PRIOR TWO YEARS BY THE APPLICANT; A
11 SUBGRANTEE OR BENEFICIARY, INCLUDING A DEVELOPER AND A
12 CONTRACTOR; OR THE OWNER OF THE PROJECT. AS USED IN THIS
13 PARAGRAPH, THE TERMS "CONTRIBUTION" AND "POLITICAL COMMITTEE"
14 HAVE THE MEANINGS GIVEN IN SECTION 1621(B) AND (H) OF THE ACT
15 OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA
16 ELECTION CODE.

17 (3) AN ESTIMATE OF THE COST OF THE PROJECT, PREPARED BY
18 A QUALIFIED PROFESSIONAL.

19 (4) A STATEMENT OF THE AMOUNT OF THE PROJECT GRANT
20 SOUGHT, INCLUDING A STATEMENT AS TO THE FINANCIAL NECESSITY
21 FOR THE PROJECT GRANT.

22 (5) ANY OTHER INFORMATION REQUIRED BY THE OFFICE.

23 (A.2) REVIEW [AND APPROVAL].--THE OFFICE SHALL REVIEW THE
24 APPLICATION TO DETERMINE IF ALL THE REQUIREMENTS HAVE BEEN MET.
25 [UPON BEING SATISFIED THAT ALL REQUIREMENTS HAVE BEEN MET AND
26 AFTER ALLOWING FOR A 30-DAY PUBLIC COMMENT PERIOD, THE SECRETARY
27 MAY APPROVE THE APPLICATION, AND, IF APPROVED, THE OFFICE SHALL
28 NOTIFY:]

29 (A.3) SUBMISSION TO COMMONWEALTH FINANCING AUTHORITY.--UPON
30 BEING SATISFIED THAT ALL REQUIREMENTS HAVE BEEN MET, THE

1 SECRETARY SHALL SUBMIT A LIST OF APPLICATIONS THAT HAVE
2 SATISFIED THE APPLICATION REQUIREMENTS TO THE COMMONWEALTH
3 FINANCING AUTHORITY FOR APPROVAL.

4 (A.4) APPROVAL.--AFTER ALLOWING FOR A 30-DAY PUBLIC COMMENT
5 PERIOD, THE COMMONWEALTH FINANCING AUTHORITY SHALL REVIEW AND
6 MAY APPROVE APPLICATIONS AND SHALL SUBMIT A LIST OF APPROVED
7 PROJECTS TO THE SECRETARY WHO SHALL PROVIDE NOTICE AND
8 ADMINISTER THE GRANT.

9 (A.5) OFFICE.--UPON RECEIVING THE APPROVED APPLICATIONS FROM
10 THE COMMONWEALTH FINANCING AUTHORITY, THE OFFICE SHALL NOTIFY
11 ALL OF THE FOLLOWING:

12 (1) THE APPLICANT.

13 (2) THE PRESIDENT PRO TEMPORE OF THE SENATE.

14 (3) THE MAJORITY LEADER OF THE SENATE.

15 (4) THE MINORITY LEADER OF THE SENATE.

16 (5) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
17 APPROPRIATIONS COMMITTEE OF THE SENATE.

18 (6) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

19 (7) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

20 (8) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

21 (9) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
22 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

23 (10) THE STATE SENATOR AND THE STATE REPRESENTATIVE OF
24 THE DISTRICT WHERE THE REDEVELOPMENT ASSISTANCE CAPITAL
25 PROJECT IS LOCATED.

26 [(A.3)] (A.6) ACCEPTANCE AND GRANT AGREEMENT.--WITHIN 30
27 DAYS OF RECEIVING NOTIFICATION OF APPROVAL UNDER SUBSECTION
28 (A.2), AN APPLICANT SHALL NOTIFY THE OFFICE IF THE APPLICANT
29 ACCEPTS THE GRANT. IF THE APPLICANT NOTIFIES THE OFFICE THAT IT
30 INTENDS TO ACCEPT THE GRANT, THE OFFICE SHALL FORWARD TO THE

1 APPLICANT A GRANT AGREEMENT TO BE EXECUTED BY THE APPLICANT. THE
2 GRANT AGREEMENT AND ANY ATTACHMENTS THERETO SHALL INCLUDE THE
3 FOLLOWING:

4 (1) THE NAME AND ADDRESS OF WHO WILL ADMINISTER THE
5 GRANT.

6 (2) A STATEMENT AND PROOF OF LOCAL FUNDING.

7 (3) AN ITEMIZED STATEMENT OF COST ASSOCIATED WITH THE
8 PROJECT.

9 (4) A CONTRACT OBLIGATING THE APPLICANT TO USE THE GRANT
10 FOR THE PROJECT.

11 (5) A REQUEST FOR ANY OTHER INFORMATION THE OFFICE MAY
12 REQUIRE.

13 [(A.4)] (A.7) EXECUTION.--THE APPLICANT SHALL RETURN THE
14 INFORMATION REQUESTED AND THE EXECUTED CONTRACT WITHIN THE
15 TIMELINES ESTABLISHED BY THE OFFICE. IF THE APPLICANT FAILS TO
16 RETURN THE EXECUTED CONTRACT WITHIN THE TIMELINES ESTABLISHED BY
17 THE OFFICE, NO CONTRACT MAY BE EXECUTED BY THE OFFICE FOR THE
18 GRANT.

19 (B) TIME PERIOD.--STATE FUNDING FOR APPROVED REDEVELOPMENT
20 ASSISTANCE CAPITAL PROJECTS SHALL BE PAID OVER NOT LESS THAN A
21 36-MONTH PERIOD UNLESS THE SECRETARY AUTHORIZES A SHORTER
22 PERIOD.

23 (C) COSTS.--LAND ACQUISITION IS A PERMISSIBLE STATE-FUNDED
24 EXPENDITURE IF THE ACQUISITION COST IS SUPPORTED BY AN APPRAISAL
25 DONE BY A CERTIFIED APPRAISER.

26 (E) VERIFICATION.--REDEVELOPMENT ASSISTANCE CAPITAL PROJECT
27 COST ESTIMATES MUST BE VERIFIED BY THE OFFICE OR ITS DESIGNATED
28 AGENT BEFORE FINAL APPROVAL IS GIVEN TO A PROJECT APPLICATION.
29 COST ESTIMATES INCLUDE TOTAL PROJECT COST, PROJECTED USE FOR
30 STATE AND NON-STATE FUNDS AND A YEAR-BY-YEAR SCHEDULE OF COSTS

1 FOR THE ENTIRE PROJECT CONSTRUCTION PHASE.

2 (F) BIDS.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
3 SOLICITATION OF A MINIMUM OF THREE WRITTEN BIDS FOR ALL
4 CONTRACTED CONSTRUCTION WORK ON REDEVELOPMENT ASSISTANCE CAPITAL
5 PROJECTS SHALL BE THE SOLE REQUIREMENT FOR THE COMPOSITION,
6 SOLICITATION, OPENING AND AWARD OF BIDS ON SUCH PROJECTS.
7 NOTWITHSTANDING THE FOREGOING, THE CONSTRUCTION WORK SHALL BE
8 PERFORMED SUBJECT TO THE ACT OF MARCH 3, 1978 (P.L.6, NO.3),
9 KNOWN AS THE STEEL PRODUCTS PROCUREMENT ACT.

10 (G) REVIEW AND AUDIT.--REDEVELOPMENT ASSISTANCE CAPITAL
11 PROJECTS SHALL BE REVIEWED AT REGULAR INTERVALS BY THE OFFICE OR
12 ITS DESIGNATED AGENT DURING THE FUNDING PHASE TO ENSURE
13 FINANCIAL AND PROGRAM COMPLIANCE. A FINAL CLOSEOUT AUDIT SHALL
14 BE PERFORMED BY THE OFFICE OR ITS DESIGNATED AGENT FOR ALL
15 PROJECTS.

16 (H) FEE.--TO PAY FOR ADMINISTRATIVE EXPENSES RELATED TO
17 REDEVELOPMENT ASSISTANCE CAPITAL PROJECTS FUNDED BY COMMONWEALTH
18 GENERAL OBLIGATION BONDS, THE OFFICE MAY CHARGE A FEE AGAINST
19 PROCEEDS FROM BONDS AND NOTES WHICH WERE SOLD TO FINANCE
20 CONSTRUCTION OR ACQUISITION COSTS OF PROJECTS.

21 (I) GRANT ADMINISTRATION.--IN THE EVENT ANY APPLICANT DOES
22 NOT ADMINISTER THE GRANT, THE APPLICANT SHALL ENTER INTO A
23 COOPERATION AGREEMENT WITH THE ENTITY ADMINISTERING THE GRANT,
24 WHICH AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE OFFICE.

25 (J) GUIDELINES.--WITHIN 60 DAYS OF THE EFFECTIVE DATE OF
26 THIS SUBSECTION, THE OFFICE SHALL ESTABLISH GUIDELINES
27 CONCERNING THE ADMINISTRATION OF AND APPROVAL PROCESS FOR
28 REDEVELOPMENT ASSISTANCE CAPITAL PROJECTS. THE GUIDELINES SHALL,
29 AT A MINIMUM, ESTABLISH APPLICATION TIMELINES, APPLICATION
30 CONTENT AND THE REVIEW, EVALUATION AND AWARD CRITERIA AND

1 PROCESS. THE CRITERIA SHALL REFLECT POPULATION AND GEOGRAPHIC
2 DISTINCTIONS OF VARIOUS COMMUNITIES THROUGHOUT THIS
3 COMMONWEALTH. THE GUIDELINES MUST BE POSTED ON THE INTERNET
4 WEBSITE OF THE OFFICE.

5 (K) DISCLOSURE.--UPON A REDEVELOPMENT ASSISTANCE CAPITAL
6 PROJECT BEING APPROVED, THE OFFICE SHALL POST ON ITS INTERNET
7 WEBSITE THE DATE OF APPROVAL OF THE PROJECT, THE NAME OF THE
8 APPLICANT, A SHORT DESCRIPTION OF THE PROJECT, THE LOCATION OF
9 THE PROJECT, INCLUDING THE MUNICIPALITY IN WHICH IT IS LOCATED,
10 AND THE AMOUNT OF THE PROJECT GRANT APPROVED FOR THE PROJECT.

11 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
12 SECTION 319. LOBBYING.

13 (A) CONTINGENT FEES.--A PERSON THAT ASSISTS IN SECURING
14 FUNDING FOR A REDEVELOPMENT ASSISTANCE CAPITAL PROJECT MAY NOT
15 BE PAID ON A CONTINGENT-FEE BASIS.

16 (B) PENALTY.--A PERSON THAT VIOLATES THIS SECTION COMMITS A
17 SUMMARY OFFENSE.

18 Section 2 3. This act shall take effect immediately.

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